

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVICES – Commercial Taxes Department – Departmental action initiated against Sri K. Balasundaram, formerly Commercial Tax Officer, Tarnaka, presently Commercial Tax Officer (Retd.) – Article of Charges framed – Written Statement of Defence submitted – Enquiry Officer appointed – Enquiry Report submitted – Enquiry Report Communicated – Representation submitted – Further action dropped – Orders – Issued.

REVENUE (VIG.I) DEPARTMENT

G.O. (Rt.) No. 73.

Dt.18.01.2011.

Read the following:-

- 1) D.G., ACB Lr.Rc.No.293/RCA-CR-1/2003, dt.29.06.2005.
- 2) G.O. Ms. No.1746, Revenue (Vig.I) Deptt., dt.03.10.2005.
- 3) D.G., ACB Lr.Rc.No.293/RCA-CR-I/2003-S1, dt.02.03.2006.
- 4) Sri K. Balasundaram, CTO, Representation, dt.19.04.2006.
- 5) G.O. Rt. No.1800, Revenue (Vig.I) Deptt., dt.17.08.2007.
- 6) CCT's Ref. (Charge Memo) No.V1/436/2004-2, dt.30.08.2007.
- 7) CCT's Ref.No.V1/436/2004-1, dt.21.05.2008.
- 8) CCT's Ref. No.2/V(1)/436/2004, dt.14.07.2009.
- 9) Memo No.9391/Vig.I(1)/2004-8, dt.13.10.2009.
- 10) Sri K. Balasundaram, CTO (Retd.) Representation, dt.18.01.2010.
- 11) Sri K. Balasundaram, CTO (Retd.) Representation, dt.30.12.2010.

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O R D E R:

It has been brought to the notice of the Government that the Anti Corruption Bureau Authorities have registered a Criminal Case against Sri K. Balasundaram, formerly Commercial Taxes, Tarnaka, presently Commercial Tax Officer (Retd.) on the allegation of acquisition of assets disproportionate to the known sources of his legal income and the Director General, Anti Corruption Bureau in his letter first read above has requested the Government to authorize the Inspector of Police, ACB, City Range-II, Hyderabad to file an application in the Court for attachment of properties of the said Accused Officer.

2) In the reference second read above, orders were issued authorizing the Inspector of Police, ACB, City Range-II, Hyderabad for filing an application in the Court of Special Judge for ACB Cases, Hyderabad for attachment of properties of Sri K. Balasundaram, formerly Commercial Taxes, Tarnaka, presently Commercial Tax Officer (Retd.).

3) And whereas in the reference third read above, the Director General, Anti Corruption Bureau has recommended to prosecute the Accused Officer Sri K. Balasundaram, formerly Commercial Taxes, Tarnaka, presently Commercial Tax Officer (Retd.) in Court of Law as he acquired assets disproportionate to his known sources of his legal income besides initiation of departmental action against him for violation of APSCS (Conduct) Rules, 1964.

4) And whereas in the reference fourth read above, Sri K. Balasundaram, formerly Commercial Taxes, Tarnaka, presently Commercial Tax Officer (Retd.) has submitted a representation together with relevant material requesting the Government to drop further action and exonerate him from the case.

5) And whereas as there was no case of disproportionate assets against him, in the reference fifth read above orders were issued for cancellation of orders issued earlier in the reference second read above wherein the assets of Sri K. Balasundaram, formerly Commercial Tax Officer, Tarnaka presently Commercial Tax Officer (Retd.) were attached, and the Director General, Anti Corruption Bureau, A.P., Hyderabad was requested to take necessary action accordingly.

6) And whereas in the reference sixth read above, Article of Charges were framed against Sri K. Balasundaram, formerly Commercial Tax Officer, Tarnaka presently Commercial Tax Officer (Retd.) on the allegation that he has committed grave misconduct in as much as he has not informed to his department about the Demand Draft for Rs.50,000/- which he received from his father-in-law as gift and failed to submit Annual Property Returns for the years 1981 to 1990 to the competent authority and accordingly the Charged Officer has submitted his Written Statement of Defence to the Charges framed against him.

7) And whereas in the reference seventh read above, Enquiry Officer was appointed to enquire into the Charges framed against Sri K. Balasundaram, formerly Commercial Tax Officer, Tarnaka presently Commercial Tax Officer (Retd.).

8) And whereas in the reference eighth read above, the Enquiry Officer has submitted Enquiry Report found that the Charged Officer, viz., Sri K. Balasundaram, Commercial Tax Officer (Retd.) and intimated the transaction pertaining to receipt Demand Draft for an amount of Rs.50,000/- from his father-in-law to the Commissioner of Commercial Taxes, A.P., Hyderabad through the Commercial Tax

Officer, Rajendranagar and the Commercial Tax Officer, Rajendranagar has also furnished the original letter of intimation. The Enquiry Officer found that as per the APCS (Conduct) Rules, 1964, the Government employee may give or accept a purely temporary loan of small amount and an amount of Rs.50,000/- was not small amount and thereby the Charged Officer has not complied with the APCS (Conduct) Rules, 1964. The Enquiry Officer has also opined that property statements required to be furnished under rule 9 (7) of the APCS (Conduct) Rules, 1964.

9) And whereas in the reference ninth read above, the Enquiry Report was communicated to Sri K. Balasundaram, Commercial Tax Officer (Retd.) and he was directed to submit representation if any within fifteen days from the date of receipt of the Memo.

10) And whereas in the reference tenth read above, Sri K. Balasundaram, Commercial Tax Officer (Retd.) has submitted a representation stating that he has not received the Demand Draft for an amount of Rs.50,000/- from his father-in-law as a loan or gift. His father-in-law has given the said amount for incurring expenditure towards educational expenditure of his grand son (son of the Charged Officer), to study Medicine, and the same was incurred for the said purpose and further he has informed about the transaction to the Commissioner of Commercial Taxes through Commercial Tax Officer, Rajendranagar and same was found during the enquiry. He has requested the Government to exonerate him from the Charges which were not proved against him.

11) And whereas in the reference eleventh read above, Sri K. Balasundaram, Commercial Tax Officer (Retd.) has submitted that he is in financial crisis as his gratuity, commutation of pension and full pension were withheld as the charge pending against him and further his properties attached earlier were not released by the Anti Corruption Bureau even though the Government have issued orders in G.O. Rt. No.1800, Revenue (Vig.I) Department, dt.17.08.2007 cancelling the attachment orders issued in G.O. Ms. No.1746, Revenue (Vig.I) Department, dt.03.10.2005 and requested the Government to sanction gratuity and commutation by dropping further action against him to overcome him from the financial problems and to release the properties attached by the Bureau.

12) Government after careful examination of the matter in detail, hereby decide, to exonerate Sri K. Balasundaram, Commercial Tax Officer (Retd.) from the Charges leveled against him and to drop further action against him, as an amount of Rs.50,000/- received by the Charged Officer from his father-in-law towards the educational expenditure of his son does not violate APCS (Conduct) Rules, 1964 and the Charge has not been held proved and accordingly further action is dropped against him.

13) The Commissioner of Commercial Taxes, A.P., Hyderabad shall take action accordingly.

14) The Director General, Anti Corruption Bureau, A.P., Hyderabad is requested to release the attached properties of the Accused Officer, Sri K. Balasundaram, CTO (Retd.), as per the orders issued in the reference fifth read above, as no further action is pending against him.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ASUTOSH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT

To

Sri K. Balasundaram, Commercial Tax Officer (Retd.)
through the Commissioner of Commercial Taxes, A.P., Hyderabad.

The Commissioner of Commercial Taxes, A.P., Hyderabad.

The Director General, Anti Corruption Bureau, A.P., Hyderabad.

Copy to:-

The Secretary, A.P. Vigilance Commission, Secretariat, Hyderabad.

The Deputy Commissioner (CT), Charminar Division, Hyderabad.

The Revenue (CT.I) Department.

The Pay and Accounts Officer, Hyderabad.

The Director, Treasuries & Accounts, A.P., Hyderabad.

The Accountant General, A.P., Hyderabad.

File/SF/SCs.

// FORWARDED :: BY ORDER //

SECTION OFFICER